

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-23013-2023 (O&M)

Date of decision: 24.05.2023

Ravinder

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mahesh Saxena, Advocate for
Mr. Sandeep Antehri, Advocate for the petitioner

Mr. Jagdish Manchanda, Additional AG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 of Cr.P.C. for issuance of directions to respondents for registration of case against accused persons mentioned in complaint dated 22.08.2022, Annexure P-2 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC.

2. Learned State counsel has filed status report by way of affidavit of Ravinder Sangwan, Deputy Superintendent of Police, Narnaund. He makes a reference to paras 3 and 4 of the reply, which read thus:-

“3. That the perusal of the enquiry report dated 01.10.2022 of Station House Officer, Police Station Bass reveal that during the course of enquiry both the parties i.e. petitioner namely Ravindra and respondents namely Smt. Ompati wife of Om Parkash and Monika daughter of Om Parkash were joined in the enquiry and their statement were also recorded. On enquiry, it has been found that Smt. Om Pati had paid Rs. 8,70,000/- to the accused Pawan son of Ghisa Ram in lieu of getting job to her and her daughter Monika as Peon in University. The accused Pawan deposited six months salary at the rate of Rs. 13865/- per month in their bank account without getting appoint them and while sitting at house. Thereafter, Pawan-petitioner came into contact of accused Pawan and he had also paid Rs. 4,70,000/- to accused Pawan in lieu of appointing him and his wife as peon in University. It has also found that when

the accused Pawan stopped to credit money in the account of Smt. Ompati then she demanded her money back, but he refused to return the money. On this, a case FIR No. 26 dated 29.01.2022 u/s 406, 420, 34 IPC was registered against aforesaid Pawan at Police Station Bass on the complaint of Smt. Om Pati. On 17.02.2022 aforesaid Pawan expired and on 06.04.2022, untraced report was prepared in the aforesaid case registered against him. Further during the course of enquiry, it has also been found that on asking of the petitioner the accused Pawan had returned his some of the money in cash and cheque of the remaining amount. However, the report is silent on the point that how much amount was refunded in cash. Further found that the cheque issued to the petitioner by the accused Pawan when presented in the bank for encashment then it became bounced and the petitioner has filed case under section 138 of NI Act in the court of JMIC, Hansi during the life time of accused Pawan which was last time fixed on 06.10.2022. On enquiry, it has been found that SmtOm Pati and her daughter Monika are not having any hand in the matter. Even from the statement of the petitioner, Smt. Rekha wife of Pawan deceased was also not found involved in the matter. It has also been found that the fact of filing of case under NI Act against Pawan was not in the knowledge of SmtOm Pati and Monika. On enquiry, it has been found that after the death of accused Pawan the petitioner in order to apply pressure upon Smt. Om Pati for making payment has started to file complaint against her and her daughter Monika levelling therein allegations, despite of fact that no money was paid to them by the petitioner. A copy of report dated 01.10.2022 of Station House Officer, Police Station, Bass, death certificate of Pawan and statement of Smt. Ompati, are being annexed as Annexure R-1 to R-3 for kind perusal of this Hon'ble Court.

4. That since enquiry on the complaints, Annexure P-2 to 5, of the petitioner has been conducted and on enquiry on evidence to Sustain the allegations levelled by the petitioner against Smt. Om Pati, Monika and Rekha wife of Pawan, came on file and the allegations levelled by the petitioner were found false and the real accused Pawan had already expired, then the present petition is liable to be dismissed, being devoid of merits.”

3. Learned State counsel submits that the alleged accused Pawan had expired on 17.02.2022 and his death certificate has been attached with the status report as Annexure R-2.

4. In view of the above, no further orders are required to be passed.

5. Petition is disposed of.
6. However, liberty is granted to the petitioner to avail of any other alternate remedy that may be available to him in accordance with law.

(AMAN CHAUDHARY)
JUDGE

24.05.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No